United Nations A/66/386

General Assembly

Distr.: General
29 September 2011

Original: English

Sixty-sixth session
Agenda item 145
Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Budget for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, for the biennium 2012-2013

Report of the Secretary-General

Summary

The present report contains the resource requirements for the biennium 2012-2013 of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The resources for the biennium 2012-2013 before recosting amount to $280,158,300 gross ($249,637,000 net) and reflect a decrease in real terms of $40,353,500 gross or 12.6 per cent ($40,173,000 net or 13.9 per cent), compared to the revised appropriation for 2010-2011.

11-52366 (E) 131011

Please recycle

I. Introduction

1. The terms of reference of the International Tribunal for the Former Yugoslavia were established by the Security Council in its resolution 808 (1993). The statute of the Tribunal, adopted by the Security Council in its resolution 827 (1993), provides in article 11 that the Tribunal shall consist of three organs, namely, the Chambers, the Prosecutor and the Registry. The activities for which the Tribunal is responsible are also set out in the statute.

2. The Security Council, in its resolution 1329 (2000), expressed its continuing conviction that the prosecution of persons responsible for serious violations of international humanitarian law in the territory of the former Yugoslavia contributed to the restoration and maintenance of peace in the former Yugoslavia.

3. The report on the judicial status of the Tribunal and the prospects for referring certain cases to national courts (S/2002/678) was endorsed on 23 July 2002 by a statement of the President of the Security Council on behalf of the Council (S/PRST/2002/21). The report presented the completion strategy of the Tribunal, setting 31 December 2004 for the conclusion of all new investigations, 31 December 2008 for the completion of first-instance trials and 31 December 2010 for the completion of appeals. The first major milestone has been met, with all investigations having been completed and the last new indictments confirmed by the Chambers at the end of 2004. The Security Council, in its resolution 1503 (2003), reaffirmed in the strongest terms the statement of 23 July 2002 endorsing the Tribunal's completion strategy. In its resolution 1534 (2004), the Council again emphasized the importance of fully implementing the completion strategy.

4. In its resolution 1966 (2010), the Security Council decided to establish the International Residual Mechanism for Criminal Tribunals, with two branches, in Arusha and The Hague. The proposed budget of the Tribunal for the biennium 2012-2013 has been formulated taking into account the functions that will be transferred to the Residual Mechanism as from July 2012 and the associated resources required to carry out those functions.

5. At the time of writing of the present report, there were two cases in pretrial proceedings, namely the *Haradinaj et al.* retrial (involving 3 accused) and the *Mladić* case. The *Haradinaj et al.* retrial started on 18 August 2011 and is expected to be completed by July 2012. Ratko Mladić was arrested in Serbia on 26 May 2011 and was transferred to The Hague on 31 May. His trial is expected to commence in July 2012. Goran Hadžić was arrested in Serbia on 20 July 2011 and transferred to The Hague on 22 July 2011. At the time of writing, it is estimated that his trial will start in September 2012. The arrest of Mladić and Hadžić is a major milestone in the history of the International Tribunal for the Former Yugoslavia as they were the last two fugitives at large. It should be noted that, following those arrests, the Tribunal has completed or will be completing proceedings in respect of all 161 persons indicted by the Prosecutor.

6. Owing to factors outside the control of the Tribunal, one first-instance case, *Prlić et al.*, originally scheduled for completion in 2011 is now due for completion in 2012. After taking the above-mentioned developments into consideration, it is estimated that during the biennium 2012-2013, the Tribunal will be conducting trials and writing judgements in 9 cases, involving 18 accused, as follows: (a) cases in which a judgement will be issued (6 cases, involving 15 accused), namely *Prlić et*

al. (6 accused); *Šešelj* (1 accused); *Stanišić and Simatović* (2 accused); *M. Stanišić and Župljanin* (2 accused); *Tolimir* (1 accused); and *Haradinaj et al.* (3 accused); and (b) cases in which trials will be ongoing (3 cases, involving 3 accused), namely Karadžić, Mladić and Hadžić. The revised estimated completion dates are attributable to the late arrests of fugitives, whose trials could have been joined with those of other accused with the same crime base had they been apprehended earlier; the high rate of staff attrition; the discovery of important evidence while proceedings were ongoing; detainee health issues and other factors outside the control of the Tribunal emanating from the complexity of the proceedings. The movement of the completion dates of trials will also have a consequential impact on the completion of appellate activity. Updated information on the progress made in achieving the goals of the completion strategy will be provided by the President of the Tribunal and the Prosecutor in their joint biannual reports to the Security Council.

7. A trial schedule reflecting these timelines has been used by the Tribunal in order to determine the resource requirements for the biennium 2012-2013. It should be borne in mind that a number of external factors beyond the Tribunal's control can and will have a major impact on the anticipated completion dates of trials, as reflected in the projected trial schedule. Should the actual trial schedule vary significantly from that used for the formulation of the 2012-2013 budget proposal, the requirements would have to be reassessed and realigned and any additional requirements would be addressed in the context of the performance reports for the biennium 2012-2013.

8. During the biennium 2012-2013, four main developments will affect the workload of the Tribunal, namely: (a) the completion of six trials in 2012, resulting in a decrease in first-instance trial activity as from the third quarter of 2012; (b) an increase in the number and complexity of appeals, both interlocutory and appeals on merits, associated with trials of multiple and self-represented accused completed during 2011 and 2012; (c) the preparation for the transition to the Residual Mechanism; and (d) the start-up of The Hague branch of the Residual Mechanism as of July 2013.

9. To further ensure the expeditious completion of trials, the Tribunal has been running up to nine trials simultaneously since 2007 and plans to continue this measure during the first two quarters of 2012. The undertaking of additional trials has been made possible by: (a) the decision to have the three reserve judges sit in more than one trial, as well as judges and staff being assigned to two trials simultaneously; and (b) utilizing gaps that may appear in the courtroom schedule owing to illness of the accused or counsel, the failure of witnesses to testify, judgement drafting or other unforeseen circumstances that lead to an adjournment of a proceeding. Free courtroom space, when available, will also continue to be used for Chambers wishing to conduct additional hearings to expedite the completion of their cases. The scheduling of the additional simultaneous trials, while maximizing the use of courtroom time, will continue to stretch to a maximum the capacity of all organs of the Tribunal.

10. In order to increase the pace of trial activity and improve judicial efficiency, during the biennium 2008-2009, the Chambers granted the Prosecutor's requests to join related indictments and run trials with multiple accused. Three such trials are scheduled to continue during the biennium 2012-2013. While the joining of cases

has expedited the pace of trials, multiple-accused cases have the effect of generating far more motions and appeals than cases that involve a single accused, which has a consequential impact on the workload of the Chambers and of the Office of the Prosecutor.

11. All cases on trial are expected to be appealed by one or more parties to the proceedings. During the biennium 2012-2013, the Appeals Chamber is scheduled to complete proceedings in cases involving 15 accused, as compared to 8 accused in the biennium 2010-2011. A total of 30 accused will be at the appeal stage. The increase in the number and profile of the accused per case will have an impact on the volume and complexity of the cases on appeal. The current workload of the Appeals Chambers fully occupies the Appeals Chamber judges and because of the redeployment of staff from the Appeals Chamber in 2010-2011 to complete trials, the staffing of the Appeals Chamber is insufficient to cover the workload. The significant increase in workload expected during the next biennium, in particular with respect to the numerous multi-accused cases currently at trial, is such that the number of judges and their staff will need to be increased.

12. The President of the International Tribunal for the Former Yugoslavia, following consultation with the President of the International Criminal Tribunal for Rwanda, has recommended to the Security Council an increase in the composition of the Appeals Chamber, from the current statutory level of seven judges (five for the International Tribunal for the Former Yugoslavia and two for the International Criminal Tribunal for Rwanda) to a total of 15 judges (nine for the International Tribunal for the Former Yugoslavia and six for the International Criminal Tribunal for Rwanda). In order to adequately support the strengthened Appeals Chamber during the next biennium the proposed budget includes provisions for the redeployment of legal staff from trials to appeals, as and when first-instance trials are completed. However, as has been previously reported to the Security Council, staff attrition continues to pose a significant challenge to completing the extensive work of the Appeals Chamber. The completion of trials will be accompanied by a reduction in the number of judges during the biennium 2012-2013, from 22 judges (13 permanent and 9 ad litem) to 17 judges (13 permanent and 4 ad litem).

13. The Tribunal continues to conduct the trials and appeals without compromising due process. Over the years, the Tribunal has kept its procedures under review and has introduced a number of reforms and measures aimed at enhancing the efficient conduct of proceedings. These include reducing the scope of the indictment; the assignment of cases to the trial chamber likely to try the case at the earliest stage possible; the use of agreed facts and of adjudicated facts; the admission of evidence in writing; strictly enforcing time limits upon the parties; and discouraging duplicative evidence. In terms of appeals, the members of the Appeals Chamber have adopted a number of recommendations, including on the need to strictly adhere to the requirement of good cause to vary time and word limits, and the practice of not delaying the briefing schedule on appeal for the translation of the judgement into Bosnian/Croatian/Serbian but permitting an appellant to bring a motion to amend the notice of appeal and/or appeal brief if necessary. All of these important measures will have a significant impact on the expeditious completion of proceedings. In terms of judicial and administrative support, the Tribunal will continue to implement measures aimed at reducing the length of trials and improving efficiency. These include the future introduction of a lump-sum legal-aid policy for appeals similar to that used for pretrial and trial. The new appeals legal-

aid policy, once implemented, is expected to bring about a decrease in the administrative burden on the Tribunal's administration and on the defence, cost-efficiency and flexibility, allowing defence counsel to plan their work within available resources.

14. The Tribunal will continue to play an active role in assisting national prosecution and judicial authorities in the former Yugoslavia. The referral of cases to national jurisdictions has been central to the completion strategy. Thus far, 10 accused have been transferred by the referral bench to the War Crimes Chamber of the Court of Bosnia and Herzegovina, two accused have been transferred to the authorities of Croatia and one accused to Serbia for trial before the domestic courts of those countries. Hadžić does not meet the criteria for referral to national jurisdictions and therefore no further referrals are envisaged during the biennium 2012-2013. A total of 17 investigative dossiers, involving 43 persons, have been transferred to national courts. These dossiers pertain to cases investigated by the Office of the Prosecutor, but for which an indictment was never confirmed by a judge. While transfers of dossiers were completed in 2010-2011, legal support to national jurisdictions in the region will continue to be provided by the Office of the Prosecutor. The Office of the Prosecutor will also assist local authorities by providing information and documents, responding to multiple requests for assistance and answering questions, not only with regard to the transferred files but also to other related cases handled by the local authorities. The Registry will continue to provide essential support to national courts, in particular with regard to requests for assistance in connection with documents and other evidentiary material filed with the Tribunal, as well as issues related to the protection of witnesses.

15. During the biennium 2012-2013, the Tribunal will be actively engaged in the transfer of know-how and in other capacity-building activities in the region of the former Yugoslavia. In 2010, the Office of the Prosecutor, with the support of the European Commission, launched a project permitting visiting national prosecutors to spend time working in The Hague to review information and gain experience in prosecuting complex war crime cases. This project has proven to be very successful and will be continued during the biennium 2012-2013, subject to the continuation of funding from the European Commission. The Registry will also be engaged in the transfer of know-how and in other capacity-building activities in the region of the former Yugoslavia, including by training domestic judicial and prosecutorial training professionals ("training the trainers"), working with partners to produce transcripts of the Tribunal's hearings in the local languages and improving access by national legal professionals to the Tribunal's records and archives.

16. In 2010, in the context of preserving the Tribunal's legacy, the Tribunal, with sponsorship from the Government of the Netherlands and the University of California, Los Angeles, School of Law, organized a conference on the theme "Assessing the legacy of the International Tribunal for the Former Yugoslavia". The primary objective of the conference was to promote coordination and cooperation among various actors in order to strengthen efforts to utilize the Tribunal's legacy to promote respect for the rule of law, peace and justice in the former Yugoslavia and beyond. Following the conference, the Tribunal prepared a report on its comprehensive legacy strategy. This report will be discussed at a second legacy conference, to be convened in The Hague in November 2011.

17. The Tribunal will play a critical role in ensuring the coordinated transfer of functions to the Residual Mechanism and the effective start-up of operations of The Hague branch of the Mechanism. The Mechanism will coexist with the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda in the biennium 2012-2013, allowing the Tribunals and the Mechanism to share resources, provide mutual support and cooperate beneficially during the period of their coexistence. The International Tribunal for the Former Yugoslavia will work together with the Mechanism to ensure that the transfer of functions and operations proceeds in the most cost-efficient, effective and practical manner. Furthermore, the Registry will play a very active role in assisting the Mechanism to develop its policies, procedures and structure, with a view to facilitating a smooth start-up of operations and ensuring the transfer of best practices and lessons learned.

18. With regard to the archives, pursuant to article 27 of the statute of the International Residual Mechanism (Security Council resolution 1966 (2010), annex I), the Mechanism is responsible for the management, including preservation and access, of the archives of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the Residual Mechanism, which together constitute the International Criminal Tribunal archives. After its establishment, the Mechanism will have exclusive competence over and responsibility for the management of the archives of the Tribunals and the Mechanism. Accordingly, provision has been made in the budget of the Mechanism for the transfer to it of functions and resources as of 1 July 2012.

19. The Registry will continue to support special measures to retain staff, including measures aimed at career transition and at meeting staff development and training needs. As reported on numerous occasions to the General Assembly and the Security Council, however, the special measures approved thus far have had a limited impact on turnover rates and need to be supplemented by a retention scheme. The Tribunal is preparing a proposal in this regard for consideration by the General Assembly. Finally, during the past year, the Registry successfully implemented, in partnership with staff representatives, a procedure to be used for the extension of contracts in the context of the downsizing exercise. The experience gained thus far in implementing this procedure has been very positive and the Tribunal intends to continue to apply it during the biennium 2012-2013.

20. The overall resources required for the biennium 2012-2013 for the International Tribunal for the Former Yugoslavia amount to $280,158,300 gross ($249,637,000 net) before recosting, reflecting a net decrease in real terms of $40,353,500 gross, or 12.6 per cent ($40,173,000 net, or 13.9 per cent), compared to the revised appropriation for the biennium 2010-2011. The decrease (see table 2) reflects reductions under Chambers ($1,956,900), the Office of the Prosecutor ($13,254,100), the Registry ($23,968,600) and the records management and archives component ($1,173,900) due mainly to the reduction in trial activity in 2013.

21. For the biennium 2012-2013, the International Tribunal for the Former Yugoslavia proposes the retention of 546 temporary posts. No temporary posts are proposed for abolition in 2012-2013. During the bienniums 2008-2009 and 2010-2011, a total of 444 posts were abolished but funding was provided through general temporary assistance to enable the functions of the posts to be maintained. In view of the slippage in the trial schedule and the arrest of fugitives, the functions of the abolished posts needed to be maintained for a longer period than originally

anticipated, including into the following biennium. At the beginning of the biennium 2012-2013, the equivalent of 331 positions will be funded under general temporary assistance. The number of positions funded under general temporary assistance will be gradually reduced by 120 positions during the biennium.

22. The recosting at 2012-2013 rates of the proposed budgetary provisions contained in the present report is preliminary. For salaries relating to posts in the Professional and higher categories, adjustments reflect the projected movement of post-adjustment indices in 2011. Similarly, with regard to General Service salaries, recosting takes into account the forecast of probable cost-of-living adjustments based on anticipated inflation rates. The same vacancy rates as approved in the context of the revised appropriations for the biennium 2010-2011 are proposed for the biennium 2012-2013 (9.5 per cent for Professional and 7.9 per cent for General Service continuing posts). No attempt has been made to forecast the movement of the relevant currency vis-à-vis the United States dollar. The proposed budget will be recosted late in 2011 on the basis of the most recent data on actual inflation experience, the movement of post-adjustment indices in 2011, the outcome of salary surveys, if any, experience in regard to salary expenditure and the evolution of operational rates of exchange in 2011.

23. Extrabudgetary resources for the biennium 2012-2013 are estimated at $1,739,300 and will be utilized for a variety of activities related to supporting the work of the Office of the Prosecutor and the Registry. The estimated level of extrabudgetary resources reflects a decrease of $1,580,800 owing to the completion of several projects.

Table 1
Percentage distribution of resources by component

Component	*Regular budget*	*Extrabudgetary*
1. Chambers	4.4	—
2. Office of the Prosecutor	21.0	29.1
3. Registry	73.7	70.9
4. Records management and archives	0.9	—
Total	**100.0**	**100.0**

Table 2
Resource requirements by component
(Thousands of United States dollars)

(1) *Assessed budget*

Component	*2008-2009 expenditure*	*2010-2011 appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2012-2013 estimate*
			Amount	*Percentage*			
1. Chambers	16 373.1	14 356.0	(1 956.9)	(13.6)	12 399.1	84.2	12 483.3
2. Office of the Prosecutor	86 176.2	72 013.7	(13 254.1)	(18.4)	58 759.6	(72.5)	58 687.1
3. Registry	231 746.1	230 380.0	(23 968.6)	(10.4)	206 411.4	2 659.3	209 070.7
4. Records management and archives	3 446.5	3 762.1	(1 173.9)	(31.2)	2 588.2	57.7	2 645.9

Component	*2008-2009 expenditure*	*2010-2011 appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2012-2013 estimate*
			Amount	*Percentage*			
Total (gross)	**337 741.9**	**320 511.8**	**(40 353.5)**	**(12.6)**	**280 158.3**	**2 728.7**	**282 887.0**
Income							
Income from staff assessment	42 040.1	30 424.3	(202.5)	(0.7)	30 221.8	437.9	30 659.7
Other income	292.7	277.5	22.0	7.9	299.5	—	299.5
Total (net)	**295 409.1**	**289 810.0**	**(40 173.0)**	**(13.9)**	**249 637.0**	**2 290.8**	**251 927.8**

(2) *Extrabudgetary*

	2008-2009 expenditure	*2010-2011 estimate*	*2012-2013 estimate*
Activities	3 161.5	3 320.1	1 739.3
Total (1) and (2)	**298 570.6**	**293 130.1**	**253 667.1**

Table 3
Post requirements

Category	*2010-2011 revised appropriation*	*Proposed reduction*		*Extrabudgetary*		*Total*	
		1 January 2012	*1 January 2013*	*2010-2011*	*2012-2013*	*2010-2011*	*2012-2013*
Professional and above							
USG	1	—	—	—	—	1	1
ASG	1	—	—	—	—	1	1
D-2	1	—	—	—	—	1	1
D-1	4	—	—	—	—	4	4
P-5	21	—	—	—	—	21	21
P-4/3	176	—	—	—	—	176	176
P-2/1	57	—	—	—	—	57	57
Subtotal	**261**	**—**	**—**	**—**	**—**	**261**	**261**
General Service							
Principal level	10	—	—	—	—	10	10
Other level	188	—	—	—	—	188	188
Subtotal	**198**	**—**	**—**	**—**	**—**	**198**	**198**
Other							
Security Service	87	—	—	—	—	87	87
Subtotal	**87**	**—**	**—**	**—**	**—**	**87**	**87**
Total	**546**	**—**	**—**	**—**	**—**	**546**	**546**

II. Programme of work and resource requirements

A. Chambers

24. At the beginning of the next biennium, the Chambers will comprise up to 24 judges (15 permanent judges and up to nine ad litem judges, including two judges of the International Criminal Tribunal for Rwanda assigned to the Appeals Chamber). The Chambers are the judicial organ of the Tribunal, performing its core activity: determination of the guilt of persons accused of serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. Through their judicial activities, the Chambers will continue to ensure that all accused persons receive a fair trial without undue delay.

25. The main objective of the Chambers for the biennium 2012-2013 is to continue to undertake a total of nine first-instance trials, including one partial retrial; to complete all contempt cases related to the core trial work; and to complete all interlocutory appeals and appeals from judgement as expeditiously as possible. This workload includes the pretrial and trial of Ratko Mladić and Goran Hadžić following their arrest on 26 May and 20 July 2011, respectively. Maintaining a high level of activity at first instance is essential for the expeditious completion of trials. The influx of new appeals in 2011 and 2012, caused by the completion of most of the trial proceedings at both Tribunals, including several multi-accused trials, will necessitate a strengthening of the Appeals Chamber. For this reason, the statutes of the Tribunals were amended to allow for the redeployment of permanent judges from the Trial Chambers to the Appeals Chamber.

26. During the biennium 2010-2011, a total of 11 cases, including a retrial, involving 28 accused persons will have been heard by the Tribunal. The verdicts in four trials, involving 12 accused, will have been delivered. In addition, two contempt judgements will have been rendered. During the same period, a total of nine appeals on the merits, involving 23 convicted persons from the International Tribunal for the Former Yugoslavia will have been heard by the Tribunal. The Appeals Chamber also completed three review applications, one contempt appeal and three appeals from decision on referral. A total of seven trials, including one retrial, will be running during the second half of 2011. Four contempt cases are pending and there is the potential for others. Each contempt case poses the probability of an appeal. Appeals activity will also include numerous interlocutory appeals.

27. During the biennium 2012-2013, it is expected that the Chambers will work on a total of nine trials (including one partial retrial), 30 pre-appeal procedures, 22 appeals from final trial chamber judgements (11 from the International Tribunal for the Former Yugoslavia and 11 from the International Criminal Tribunal for Rwanda) and all interlocutory appeals arising from trials. The referral bench of the Chambers responsible for reviewing cases for possible trial in the region under rule 11 bis of the Rules of Procedure and Evidence will continue to be constituted. While no new referral applications are expected at the current stage, the bench deals with ongoing obligations relating to cases already transferred to domestic courts in the former Yugoslavia.

28. Among the ongoing trials, the *Karadžić* trial is expected to continue past the end of the biennium 2012-2013. Ratko Mladić and Goran Hadžić were arrested before the finalization of the budget document and the budget has been prepared on

the assumption that they will exercise their option for a full trial. The *Mladić* and *Hadžić* trials are thus also expected to continue past the end of the biennium 2012-2013, barring an unanticipated development, such as a guilty plea. To complete the first-instance trials expeditiously in all cases, it is anticipated that the Tribunal will require the continued services of 15 permanent judges and nine ad litem judges (including two judges of the International Criminal Tribunal for Rwanda assigned to the Appeals Chamber) to handle its first-instance or retrial cases. Additionally, with the arrest of Ratko Mladić and Goran Hadžić, there will be a need to form a trial chamber composed of a minimum of three judges as well as to assemble a Chambers legal support team.

29. During the biennium 2012-2013, the Appeals Chamber will continue to work on two multi-accused cases, involving up to 11 accused, which will be carried over from the biennium 2010-2011 (*Šainović et al.* and *Popović et al.*). The third multi-accused case (*Prlić et al.*) is expected to be on appeal following the trial judgement, which is expected to be rendered during the biennium 2012-2013. These multi-accused cases reflect a prosecutorial strategy of expediting cases by joining related indictments, whenever possible. While, generally, this strategy has saved time in completing first-instance trials, the volume of materials involved in such multiple-accused cases, including evidence, transcripts, briefs and submissions, represents a dramatic increase in the workload of the Appeals Chamber as these cases reach it. For example, in regard to the three multiple-accused cases that will be under way in 2012-2013, it is expected that the Appeals Chamber will be reviewing more than 115,462 pages of transcript and 19,641 exhibits and filings, including briefs, etc.

30. The current workload of the Appeals Chamber exceeds the current capacity of the Appeals Chamber judges and their staff. The significant increase in workload expected during the biennium 2012-2013, in particular with respect to the numerous multi-accused cases currently at trial, is such that the number of judges and staff will need to be increased. In this connection, the President of the International Tribunal for the Former Yugoslavia, following consultation with the President of the International Criminal Tribunal for Rwanda, has recommended to the Security Council an increase in the composition of the Appeals Chamber, from the current statutory level of seven judges (five for the International Tribunal for the Former Yugoslavia and two for the International Criminal Tribunal for Rwanda) to a total of 15 judges (nine for the International Tribunal for the Former Yugoslavia and six for the International Criminal Tribunal for Rwanda). In addition, provision is made in the proposed budget for the redeployment of legal staff from trials to appeals to backstop the strengthened Appeals Chamber during the biennium 2012-2013. However, staff attrition as staff continue to depart for more secure job opportunities outside the Tribunal continues to pose a significant challenge to completing the extensive work of the Appeals Chamber expeditiously.

31. The Chambers will continue to allow for a high level of courtroom activity by maximizing the use of available resources through the operation of the three courtrooms over two shifts daily, exceeding normal working hours. Where the health of the accused and the workload of the judges permit, many Chambers are holding extended sittings, beyond five hours per day. When considering the length of time required for the transport of the accused from the detention unit, and the time required for their return, the total day for the accused is quite extensive, exceeding in many instances eight or nine hours. Many judges are sitting on two or more trials and, where that is the case, the work day for some judges exceeds 12 hours when

time in court, required consultations on drafts, decisions and orders, or deliberations in reaching a judgement in their several trials are taken into consideration. Trial Chambers will continue to make use of available courtroom space to hold additional hearings in their cases. Some Chambers have modified the scheduled period of court recesses to hold extra sessions. The scheduled recesses are normally used to carry out essential maintenance of courtroom hardware and software systems, as well as for drafting judgements and decisions.

32. The Scheduling Working Group, chaired by the Vice-President of the Tribunal, will continue to be a key advisory tool for the completion strategy, as well as an indispensable tool for budget preparation purposes. The Working Group is currently dealing with both trial and appeal schedules. Measures aimed at expediting appeals adopted pursuant to the recommendations of the Working Group on Speeding Up Appeals will continue to be applied and new measures recommended in the report of the reconstituted Working Group on Speeding Up Appeals will also be implemented, including that of strict adherence to the requirement of good cause to vary time and word limits, and the practice of not delaying the briefing schedule on appeal for the translation of a judgement into Bosnian/Croatian/Serbian but permitting an appellant to bring a motion to amend the notice of appeal and/or appeal brief if necessary. The possibility of embedding translators in French-language trial teams and in teams dealing with cases of self-represented accused persons, as well as a number of measures aimed at minimizing the impact of delays in translation on the expeditious disposal of appeals continue to be explored, particularly as the Tribunal moves towards the delivery of the judgements in *Prlić et al.*, and *Šešelj*, which have been conducted in French and in which the judgement will be rendered in French.

33. The Office of the President will continue to provide legal advice and logistical support to the President of the Tribunal in the exercise of his or her functions. The President is the highest authority of the Tribunal, acting as its institutional head. He or she is responsible for the overall execution of the mission of the Tribunal and for representing the Tribunal before its parent body, the Security Council, and the General Assembly. The President performs representational functions vis-à-vis heads of mission, embassies of Member States and the Secretary-General.

34. Pursuant to rule 19 of the Rules of Procedure and Evidence, the President of the Tribunal also coordinates the work of the Chambers, supervises the activities of the Registry and exercises all other functions conferred on him or her by the statute and the Rules. These functions can be divided into the following three categories:

(a) Judicial functions: pursuant to article 14 (2) of the statute of the International Tribunal for the Former Yugoslavia and article 12 (2) of the statute of the International Criminal Tribunal for Rwanda, the President of the Tribunal is the presiding judge of the appeals chambers of both Tribunals. The President is responsible for notifying the Security Council of failures to comply with an obligation under the statute;

(b) Internal functions: pursuant to rule 23 bis of the Rules, the President of the Tribunal is the Chair of the Coordination Council responsible for ensuring the coordination of the activities of the three organs of the Tribunal;

(c) Quasi-judicial functions: pursuant to rule 23, the President is the Chair of the Bureau and is responsible for reviewing all major matters arising from the functioning of the Tribunal. The President also chairs, pursuant to rule 19 (A), the plenary meetings of the Tribunal during which the judges adopt and amend the

Rules and decide upon matters relating to the internal functioning of the Chambers and the Tribunal.

35. Pursuant to the statute, the rules and various directives, the President of the Tribunal is entrusted with the right of final review pertaining to matters such as the enforcement of sentences and legal aid/defence counsel issues. In accordance with article 13 ter of the statute, the President is also responsible for requesting the Secretary-General to appoint ad litem judges to the trial chambers.

36. For the biennium 2012-2013, a matter of primary importance for the Office of the President will be to continue to carry forward the completion strategy initiated by the Tribunal and endorsed by the Security Council in the presidential statement of 23 July 2002 (S/PRST/2002/21). In order to facilitate the implementation of the completion strategy, coordination must be maintained between the Tribunal and States and organizations involved in capacity-building of national judicial systems in the former Yugoslavia.

37. During the biennium 2012-2013, the Office of the President will be fully engaged with all judicial aspects associated with the International Residual Mechanism for Criminal Tribunals to ensure a smooth transition to and commencement of the Residual Mechanism.

Outputs

38. During the biennium, the following outputs will be delivered:

(a) Courtroom activities: initial appearances, status conferences, pretrial conferences, trials, appeals and delivery of judgements;

(b) Decisions relating to, inter alia, review and confirmation of indictments, arrest and other warrants, various pretrial motions, motions during trial and appeal, applications for additional evidence and interlocutory appeals and reviews;

(c) Judgements on the merits in relation to trials and appeals (appeal activities are for both tribunals);

(d) Judgements on contempt cases at both trial and appeal;

(e) Review of the Rules of Procedure and Evidence, Practice Directions and the Rules of Detention and proposal of amendments to the statute of the Tribunal to the Security Council;

(f) Reports of the President to the Security Council, as requested by a trial chamber or the Prosecutor, on non-compliance by States with orders of the Tribunal;

(g) Annual report to the General Assembly, biannual report to the Security Council and requests for international assistance to States;

(h) Press releases on matters of importance to the Tribunal as a whole;

(i) Special events: hosting of visiting dignitaries, usually at the level of ambassador or minister for foreign affairs, and Heads of State; establishing and maintaining high-level contacts with Governments of Member States to facilitate and improve cooperation with the Tribunal;

(j) Participation in exchanges of information with judges in the region, including in peer-to-peer, outreach and legacy activities, and provision of assistance in trials of alleged war criminals by regional courts;

(k) Relations with non-governmental organizations;

(l) Participation in activities within the United Nations system: annual statement by the President to the General Assembly, participation in meetings concerning the role of the Tribunal within the United Nations system, cooperation with the International Criminal Tribunal for Rwanda and participation in discussions concerning other international judicial entities.

Table 4
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Non-post	14 356.0	12 399.1	—	—
Total	**14 356.0**	**12 399.1**	—	—

39. The amount of $12,399,100, reflecting a net decrease of $1,956,900 compared to the biennium 2010-2011, comprises non-post requirements, as follows: (a) $12,198,200 to provide compensation for eight permanent trial judges, five permanent appeals judges and nine ad litem judges based on 446 work-months; (b) $27,000 for the engagement of consultants to provide expertise not available in-house to undertake three specialized legal briefs per year; and (c) $173,900 for the travel of the President and Vice-President of the Tribunal to Headquarters in New York and to central and western Europe, of 22 judges to the Joint Judges Seminar (International Tribunal for the Former Yugoslavia/International Criminal Tribunal for Rwanda) and of judges to the field to view crime scenes.

40. The net decrease of $1,956,900 is mainly attributable to the gradual departure of five ad litem judges following the completion of first-instance trials during the biennium 2012-2013, and reduced requirements under consultants and common costs, partially offset by increases under pensions of former judges due to the payment of a one-time lump sum to ad litem judges approved by the General Assembly in its resolution 65/258 and under travel in relation to the establishment of information and documentation centres referred to in Security Council resolution 1966 (2010).

41. Costs relating to the two remaining appeals judges are included in the proposed budget for the International Criminal Tribunal for Rwanda (A/66/368).

B. Office of the Prosecutor

42. The Office of the Prosecutor is mandated to investigate and prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The role and responsibilities of the Prosecutor consist of the investigation and prosecution of the crimes listed in

articles 2, 3, 4 and 5 of the statute of the International Tribunal for the Former Yugoslavia. The Prosecutor is responsible for the collection of evidence establishing the commission of these crimes, the tracking and arrest of those indicted and the presentation of charges and evidence against them before the Chambers of the Tribunal.

43. The biennium 2010-2011 was, for the Office of the Prosecutor, a period of intense activity marked by continued commitment to completing trials and appeals effectively in order to meet the goals of the completion strategy. It should be recalled that in December 2004 the Office met the first milestone of the completion strategy by issuing its final indictments.

44. To implement the Tribunal's completion strategy, the Office of the Prosecutor focused on transferring cases of intermediate and lower rank accused to the former Yugoslavia. The Office furthered the process of transferring cases of intermediate and lower rank accused under rule 11 bis and investigation files/dossiers to national jurisdictions. All rule 11 bis cases have now been transferred to States of the region and are now completed cases. All the investigative files/dossiers have also been transferred to the region and no further transfer will take place. However, assistance has been and continues to be provided to the prosecutors in the region in further investigation and prosecution in relation to these files/dossiers.

45. During the biennium 2010-2011, the Office of the Prosecutor took measures to expedite its work and increase efficiency. To improve judicial efficiency and expedite trials, the Office merged related indictments, whenever possible, and ran trials with more than three accused. Two of the three multiple-accused trials were completed during the biennium and a judgement is expected in the third at the end of June 2012. The merger of these high-level cases resulted in a substantial overall reduction in the length of proceedings.

46. During the biennium 2012-2013, in the context of the Tribunal's completion strategy, the activities of the Office of the Prosecutor will rest on the following four important priorities:

(a) Successful completion of trials and appeals

(i) During the biennium 2012-2013, the Office of the Prosecutor will be fully engaged in successfully completing six trials (involving 15 accused) out of the nine trials currently in the Tribunal's docket and increasing the pace of the appeals work. It is anticipated that the Office will have completed those six trials by the end of October 2012 and that the trials of Radovan Karadžić, Ratko Mladić and Goran Hadžić will continue into 2014. Appeals will continue into 2013 and 2014. On the basis of previous experience, it is expected that each first-instance decision will be appealed. It is therefore projected that, during the biennium 2012-2013, there will be 11 appeals, including in the three multiple-accused cases, involving a total of 30 persons;

(ii) To keep up the pace and schedule of the Chambers' work and to fulfil the goals of the completion strategy, it is crucial that the Office of the Prosecutor maintain an adequate level of resources. To support trials and appeals, the Office will require to maintain a sufficient number of trial attorneys, assisted by a core investigative capacity (including researchers, analysts and trial support staff) dedicated to completing trials and appeals. The estimates for the biennium 2012-2013, which are based on the court schedule projections, take into account the reduced trial workload;

(iii) As in the previous biennium, resources for the Office of the Prosecutor will be allocated in accordance with a workplan which sets out the requirements for all cases to be tried in 2012 and 2013. The plan foresees adequate allocation of resources, including attorneys, investigators, analysts, researchers and trial support staff, to all cases, whether in trial or appeal. To facilitate this review, cases have been divided according to their level of complexity;

(iv) In line with the Tribunal's completion strategy, the Office of the Prosecutor will continue to implement measures aimed at reducing the length of trials and improving judicial efficiency. Further, while taking into account the need to ensure the fairness of the judicial process, the Office of the Prosecutor will insist on taking measures to increase judicial efficiency. The Office will insist on putting forward proposals to the Tribunal's Rules Committee, headed by the judges, which formulates proposals to the Plenary of Judges, which can amend the Tribunal's Rules of Procedure and Evidence;

(v) To improve efficiency and support all trials and appeals effectively, the Office of the Prosecutor has undergone restructuring and organizational changes. One such change was that investigators, analysts, researchers and other trial support staff work directly on specific cases, under the leadership of a Senior Trial Attorney. The position of Chief of Prosecutions has been abolished and a more streamlined structure has been put in place to reflect the emphasis on the prosecutorial aspect of the work of the Office. Investigating staff members still have a crucial role to play and will be directly available to assist the legal staff working on each case. These measures have improved internal efficiencies and have enhanced the Office's work product;

(vi) The reorganization of the Office of the Prosecutor included positioning the Transition Team, the Request Unit, the Tracking Team and field office operations under the direct supervision of the Prosecutor, assisted by the Deputy Prosecutor. This measure improved coordination in matters of cooperation with the States of the former Yugoslavia, which included the tracking of fugitives, the transfer of cases and the provision of assistance to those States, together with capacity-building efforts.

(b) Transition

(i) All rule 11 bis cases have now been transferred to the region and have been completed. The transfer of all category II cases has been completed and work will be required to support the State Prosecutor's Office in Bosnia and Herzegovina. A further priority of the Office of the Prosecutor's strategy in the biennium 2012-2013 is to continue to support national prosecution and judicial authorities in the former Yugoslavia;

(ii) The core functions of the Transition Team are consistent with the Office of the Prosecutor's expressed commitment to transfer the responsibility for war crimes prosecutions from the international to the national level and related capacity-building. In his November 2008 report to the Security Council, the Prosecutor expressed his assessment that interaction with national prosecutors in the former Yugoslavia was continuing to develop, as were efforts to transfer know-how and help build the capacity of national courts (S/2008/729, para. 65);

(iii) The members of the Transition Team have developed procedures and have become very skilled and experienced in handling the material of the Office of the Prosecutor, applying great diligence in distinguishing "public" and confidential material and applying the respective procedures. To ensure the same standard of quality and efficiency is maintained at this interface between local prosecution offices/courts and the Office of the Prosecutor, core staffing is required to support this work during the biennium 2012-2013;

(iv) The Transition Team assembles and organizes available evidence, reviews the evidence, contacts witnesses, handles witness protection questions and other issues of confidentiality, such as issues related to the protection of material under rule 70. During and after the transfer of files, the Transition Team continues to assist local authorities by providing information and documents, responding to multiple requests for assistance and to queries, not only in relation to the transferred files but also in relation to other related cases handled by the Tribunal. The Transition Team has also facilitated access for local prosecutors to the document databases evidence collection and of the Office of the Prosecutor;

(v) The Office of the Prosecutor, in association with the Chambers and the Registry, will continue to be actively engaged in other capacity-building activities. The Office will continue its frequent contacts with the prosecutors and courts and, in that context, to participate in conferences, organize training courses and attend seminars and symposiums. In this connection, the Office of the Prosecutor developed a project with the support of the European Commission allowing visiting national prosecutors to spend time working with the Transition Team in order to access information and gain experience in the transition process. This project has proven to be immensely successful, with the visiting national prosecutors gaining experience working with the documentation of the Office of the Prosecutor and the Tribunal's Rules of Procedure and Evidence.

(c) Legacy

As the date of completion draws near, the Office of the Prosecutor will devote special attention to the legacy of the Tribunal's work. Some of the work product and tools of the Office will need to be preserved. The Immediate Office of the Prosecutor will play a central role in legacy matters, in coordination with the Registry and the Chambers. The Office of the Prosecutor is currently actively involved in the working groups concerned with archiving and the residual mechanism. This activity will continue during the biennium 2012-2013.

Table 5
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: To prosecute in a timely and fair manner persons responsible for serious violations of international humanitarian law and ensure that the requirements of the Security Council are fulfilled with regard to the implementation of the completion strategy and to position the Office of the Prosecutor for the transfer of criminal cases against accused persons to the national courts of the former Yugoslavia

Expected accomplishments	Indicators of achievement
(a) Effective management and implementation of the completion strategy	(a) Number of first-instance trials completed during the biennium
	Performance measures
	2008-2009: 7 first-instance trials
	Estimate 2010-2011: 5 first-instance trials
	Target 2012-2013: 6 first-instance trials
(b) Effective provision of assistance to national judicial systems in the former Yugoslavia	(b) Number of requests for assistance from national jurisdictions processed and replied to
	Performance measures
	2008-2009: not available
	Estimate 2010-2011: 530
	Target 2012-2013: 700
(c) Efficient utilization of trial and appeal support resources	(c) (i) Number of ongoing trials
	Performance measures
	2008-2009: 15 trials
	Estimate 2010-2011: 11 trials
	Target 2012-2013: 9 trials
	(ii) Number of accused in appeals on the merit proceedings completed during the biennium
	Performance measures
	2008-2009: 10 persons
	Estimate 2010-2011: 8 persons
	Target 2012-2013: 15 persons

External factors

47. The Office of the Prosecutor is expected to meet its objective and expected accomplishments on the assumption that: (a) there is normal functioning of judiciaries in the States of the former Yugoslavia, including the War Crimes Chamber of the Court of Bosnia and Herzegovina, so that cases may be tried at the domestic level; and (b) there are no delays in the proceedings for reasons beyond the Tribunal's control, such as illness of the accused, unforeseen disclosure of material, requests for replacement of defence counsel, requests for review of cases already tried, other motions affecting the proceedings and the availability of witnesses to certify statements and provide testimony.

Outputs

48. During the biennium, the following outputs will be delivered:

(a) Prosecution outputs: witness statements, expert witness statements, summaries of witness interviews, witness schedules and protective measures for witnesses; reports of on-site investigations; reports on military and civilian political structures and events, and on missions; collection of evidence; reports generated through computer searches of collected evidence for documents relevant to trials and appeals, and reports generated by computer searches for the purposes of disclosure under various rules; demographic reports and maps; requests for assistance; unofficial translations and English summaries of documents written in Bosnian, Croatian or Serbian; and limited project-based exhumation work;

(b) Outputs related to trial: filings related to the prosecution of cases and appeals, including amended indictments, motions, responses to defence motions, witness statements, opening briefs, closing briefs, sentencing briefs, appeals on the merits, interlocutory appeals, plea agreements and miscellaneous applications for orders from judges or trial chambers, including applications for subpoenas, search warrants, the detention of suspects and the transmission of arrest warrants; court exhibits; training courses including induction, legal issues and advocacy; and legal opinions on issues of international law;

(c) Information management outputs: indexes of evidentiary material and information sources, including witness statements, videotapes and audiotapes, intelligence material submitted under rule 70, and press and other relevant, freely accessible material; custody, control and storage of material submitted under chain-of-custody procedures, including decontamination and preservation; software systems and modifications to computer systems, and database applications for the Office of the Prosecutor, including the Electronic Disclosure System, CaseMap, Sanction and e-Court software packages; and training courses for all staff;

(d) Provision of support after the transfer of cases to the States of the former Yugoslavia: support to local officials regarding the transfer of dossiers, review of requests and preparation of answers; exchange of knowledge with domestic prosecution authorities; and exchange of know-how and training;

(e) Legacy issues: engaging in coordination with the Registry and Chambers in the preparation of the files and electronic data to be preserved and forming part of the Tribunal's legacy;

(f) Management outputs: policy papers and directives, guidelines related to legal practice, annual reports, funding proposals, budget preparation, reports on activities of States relevant to cooperation; and press releases, speeches, statements and briefings.

Table 6
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Post	31 510.0	26 401.0	117	117
Non-post	31 771.6	23 836.4	—	—
Staff assessment	8 732.1	8 522.2	—	—
Subtotal	**72 013.7**	**58 759.6**	**117**	**117**
Extrabudgetary	747.8	505.6	—	—
Total	**72 761.5**	**59 265.2**	**117**	**117**

Table 7
Post requirements

		Proposed reduction		*Extrabudgetary*		*Total*	
Category	*2010-2011 revised appropriation*	*1 January 2012*	*1 January 2013*	*2010-2011*	*2012-2013*	*2010-2011*	*2012-2013*
Professional and above							
USG	1	—	—	—	—	1	1
D-2	1	—	—	—	—	1	1
D-1	1	—	—	—	—	1	1
P-5	8	—	—	—	—	8	8
P-4/3	57	—	—	—	—	57	57
P-2/1	14	—	—	—	—	14	14
Subtotal	**82**	—	—	—	—	**82**	**82**
General Service							
Other level	35	—	—	—	—	35	35
Subtotal	**35**	—	—	—	—	**35**	**35**
Total	**117**	—	—	—	—	**117**	**117**

49. Resources under posts and staff assessment in the amount of $26,401,000 and $8,522,200, respectively, would provide for the continuation of 117 temporary posts required during the biennium 2012-2013. The reduction under posts ($5,109,000) and staff assessment ($209,900) is due to the delayed effect of 49 posts that were only abolished in the second year of the biennium 2010-2011.

50. Non-post requirements in the amount of $23,836,400, reflecting a decrease of $7,935,200, would provide for general temporary assistance, including peak trial and appeals support, the document translation and indexing project, overtime, expert witnesses and consultants to assist trial teams in the trial stages of proceedings, travel of investigators and prosecutors, and contractual services for the ongoing training of the staff of the Office of the Prosecutor.

51. The provision under general temporary assistance also includes requirements to cover the functions of posts abolished during the biennium 2010-2011 which are still needed during the biennium 2012-2013. It is proposed to gradually reduce these requirements during the biennium. The total requirements in this respect for the biennium are estimated at 2,064 work-months.

52. The decrease of $7,935,200 under non-post costs reflects reduced requirements under other staff costs ($7,618,400), consultants and experts ($11,600) and travel of staff ($328,200) due mainly to the reduction in trial activity in 2013, partly offset by an increased requirement under contractual services ($23,000) due to increased appellate activity.

C. Registry

53. The Registry is responsible for the judicial administration of the Tribunal. It is composed of three main organizational units, namely, the Office of the Registrar, the Division of Judicial Support Services and the Division of Administration. For budgetary purposes, the Office of the President and the resident auditors are included under the Registry.

54. For the biennium 2012-2013, the Registry will focus on five principal objectives:

(a) Provision of continued support to trials and appeals in order to complete the Tribunal's mandate as expeditiously as possible;

(b) Preparation and implementation of the transition to the Residual Mechanism and commencement of operation of The Hague branch of the Mechanism;

(c) Provision of continued support to national judicial systems in the former Yugoslavia through the transfer of know-how, capacity-building and the Tribunal's legacy projects;

(d) Implementation of the Tribunal's communications strategy and outreach programme;

(e) Provision of support to administrative policies and practices concerning staff retention, including establishing appropriate career transition policies as well as staff training and development, and ensuring that the downsizing exercise is undertaken in a fair and transparent manner.

55. Throughout most of 2012, the Registry will be supporting the undertaking of up to nine simultaneous trials, two of which involve very complex cases of high-profile accused (Karadžić and Mladić). In addition, it is envisaged that, during the biennium, there will be up to three cases involving self-represented accused. Experience has shown that trials of self-represented accused are extremely demanding in terms of workload for the Division of Judicial Support Services, as additional resources and time must be allocated to ensure that the self-represented accused are provided with adequate facilities, documentation in a language that they understand and resources for the conduct of their defence. Furthermore, trials of self-represented accused typically generate a higher number of motions, interlocutory appeals and judicial challenges than regular cases, which in turn generates additional workload for the Registry. By the end of 2012 the Tribunal will shift its focus towards appeals proceedings, while continuing to support three trials, including the trials of two high-profile accused. It is envisaged that appellate proceedings for three multiple-accused cases, each involving six or more accused (*Prlić et al.*, *Šainović et al.* and *Popović et al.*) will continue in 2012-2013.

56. In the next biennium, the capacity of the Registry will continue to be principally dedicated to supporting trial and appeal activity and ensuring the efficient conduct of fair proceedings. The need for efficient proceedings is all the more crucial in view of factors beyond the Tribunal's control that may have an impact on the speed with which trials and appeals can be completed. For example, delays in proceedings resulting from requests for review of cases already concluded, unforeseen disclosure of materials, requests for the replacement of the defence counsel, illness of the accused or counsel, the availability of witnesses to provide testimony and State cooperation may affect the timely completion of a trial or appeal. The Registry, within the scope of its competency, will continue to support the implementation of measures aimed at reducing the length of trials and appeals and enhancing efficiency.

57. In support of the second objective, the Registry will play a critical role in ensuring the coordinated transition of functions to the Residual Mechanism and the effective start-up of operations of The Hague branch of the Mechanism. The Mechanism will coexist with the Tribunals in the biennium 2012-2013, allowing the Tribunals and the Mechanism to share resources, provide mutual support and achieve beneficial cooperation during the period of their coexistence. The Registry will work together with the Registries of the Mechanism and of the International Criminal Tribunal for Rwanda to ensure that the transfer of functions and operations from the Tribunals proceeds in the most cost-efficient, effective and practical manner. Furthermore, the Registry will also play a very active role in assisting the Mechanism to develop its policies, procedures and structure, with a view to facilitating a smooth start-up of operations and ensuring the transfer of best practices and lessons learned.

58. With regard to the third objective, the completion strategy foresees the strengthening of national judicial systems and increased domestic prosecutions as integral to the achievement of the Tribunal's mandate, and the Registry will continue to provide essential support to these efforts. In the biennium 2012-2013, the Registry will continue to provide essential support to national judicial systems in the region of the former Yugoslavia, in particular through responding to requests for assistance from national authorities in connection with documents and other evidentiary material held by the Tribunal, as well as in relation to the continuing

protection of witnesses. The Registry will also be engaged in the transfer of know-how and other capacity-building activities in the region of the former Yugoslavia, including by training domestic judicial and prosecutorial training professionals ("training the trainers"), working with partners to translate Tribunal materials into the local languages and improving access by national legal professionals to the Tribunal's records and archives.

59. In the context of preserving the Tribunal's legacy, in 2010 the Tribunal organized, with sponsorship from the Government of the Netherlands and the University of California, Los Angeles, School of Law a conference on the theme "Assessing the legacy of the International Tribunal for the former Yugoslavia" whose primary objective was to promote coordination and cooperation among various actors in order to strengthen efforts to utilize the Tribunal's legacy for the promotion of the rule of law, peace and justice in the former Yugoslavia and beyond. Following the conference, the Tribunal prepared a report on its comprehensive legacy strategy. This report will be further discussed during the second legacy conference in November 2011.

60. With regard to the fourth objective, in 2010 the Registry undertook a comprehensive review and planning exercise and developed a revamped communications strategy and outreach programme in order to enhance its communications and external relations efforts. As part of this revamped strategy, the Registry implemented a reorganization of the Communications Section, achieving efficiencies and enhanced coordination between that Section and the Office of the Registrar. During the next biennium, the Registry will continue to implement its communications strategy and outreach programme to ensure awareness of the Tribunal's activities and achievements, and strengthen cooperation and the exchange of information with stakeholders within and outside the former Yugoslavia.

61. The fifth main objective encompasses special measures to retain staff, including measures aimed at career transition and meeting staff development and training needs. The Registry will continue to support these initiatives throughout the biennium 2012-2013, including by enabling staff to engage in cross-training, as well as by assisting them to explore future employment opportunities. Furthermore, in 2010, the Registry successfully implemented, in partnership with staff representatives, a procedure to implement the downsizing of staff in line with the abolition of posts. The Registry is committed to ensuring that this exercise will continue to be implemented and communicated in an open and transparent manner, taking into consideration the interests of both the staff and the organization.

Table 8
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: The efficient administration and servicing of the Tribunal by the management of judicial, administrative and legal support to Chambers, the Office of the Prosecutor and, in a limited fashion, the defence, in line with the statute of the Tribunal, the Rules of Procedure and Evidence, United Nations regulations and rules and the Tribunal's completion strategy

Expected accomplishments	Indicators of achievement
(a) Timely implementation of formal actions taken in accordance with the agreed-upon completion strategy	(a) Percentage of actions completed on time *Performance measures* 2008-2009: 95 per cent Estimate 2010-2011: 95 per cent Target 2012-2013: 95 per cent
(b) Increased public awareness of the activities of the Tribunal	(b) (i) Number of page views on the website of the Tribunal *Performance measures* 2008-2009: 4.8 million page views Estimate 2010-2011: 6.4 million page views Target 2012-2013: 7.5 million page views (ii) Number of visitors to the Tribunal's premises (physical visitors) *Performance measures* 2008-2009: 16,000 visitors Estimate 2010-2011: 17,500 visitors Target 2012-2013: 18,000 visitors
(c) Improved dissemination of information in the Bosnian, Croatian and Serbian languages (for court proceedings, considered by the Tribunal to be one language)	(c) Number of days between receipt and distribution of material *Performance measures* 2008-2009: 0 to 2 days Estimate 2010-2011: 0 to 2 days Target 2012-2013: 0 to 2 days

(d) Needs of clients for sound, comprehensive and timely advice on legal and related policy matters are met	(d) (i) Number of agreements and memorandums of understanding negotiated and contracts on which advice is given *Performance measures* 2008-2009: 110 agreements Estimate 2010-2011: 100 agreements Target 2012-2013: 90 agreements (ii) Number of provisional agreements by States for the enforcement of individual sentences *Performance measures* 2008-2009: not available Estimate 2010-2011: not available Target 2012-2013: 22 (iii) Number of legal submissions in ongoing proceedings pursuant to rule 33 (B) *Performance measures* 2008-2009: 208 Estimate 2010-2011: 240 Target 2012-2013: 200
(e) Effective legal support provided to judges	(e) Number of timely oral and written decisions and judgements *Performance measures* 2008-2009: 3,450 Estimate 2010-2011: 1,600 Target 2012-2013: 1,400
(f) Successful compliance with the Tribunal's legal aid system	(f) Number of cases in which a supplemental payment is required to ensure a fair trial *Performance measures* 2008-2009: 3 cases Estimate 2010-2011: 3 cases Target 2012-2013: 3 cases

(g) Effective judicial support services provided to Chambers, the Office of the Prosecutor and defence counsel	(g) Level of client satisfaction *Performance measures* 2008-2009: 95 per cent Estimate 2010-2011: 95 per cent Target 2012-2013: 95 per cent
(h) Effectiveness of administrative services maintained	(h) Degree of satisfaction expressed by recipients of various administrative services *Performance measures* 2008-2009: 95 per cent Estimate 2010-2011: 95 per cent Target 2012-2013: 95 per cent
(i) Timely finalization of monthly financial reports	(i) Time between the end of the month and the issuance of financial reports *Performance measures* 2008-2009: 8 working days Estimate 2010-2011: 8 working days Target 2012-2013: 8 working days

External factors

62. The Registry is expected to meet its objective and expected accomplishments on the assumption that: (a) the States of the former Yugoslavia cooperate in the provision of information and other forms of assistance; (b) there are no delays in the proceedings for reasons beyond the Tribunal's control, such as illness of the accused, unforeseen disclosure of material, requests for replacement of defence counsel, requests for review of cases already tried, other motions affecting the proceedings or the non-availability of witnesses to certify statements and provide testimony; and (c) the turnover rate of the Tribunal's staff remains within acceptable limits.

Outputs

63. During the biennium, the following outputs will be delivered:

(a) Victims and Witnesses Section: provision of safe transportation of witnesses from their residence to The Hague; liaison with States for exit and entry permits, travel documents, safe-conduct agreements and visas for pretrial and post-trial protection; provision of support services for the temporary and permanent relocation of witnesses; liaison with host Governments for the protection, safe accommodation and transportation of witnesses during trials; and implementation of the Tribunal's policies regarding the payment of entitlements, such as the reimbursement of lost earnings and the clothing allowance;

(b) Defence counsel services: provision of access to legal assistance for suspects and accused persons; review of claims of indigence from suspects and accused persons and assessment of their financial status; and implementation of the directive on the assignment of defence counsel and legal aid practices;

(c) Court management: implementation of procedures relating to the confirmation, amendment or withdrawal of indictments, the issuing of arrest warrants, the addressing of cases of failure to execute a warrant, the appearance of the accused, detention on remand and provisional release, and procedures to obtain depositions; organization and scheduling of trials and other hearings, cases of contempt of court, procedures relating to amici curiae, summoning of witnesses and experts, and judicial recordkeeping; and procedures relating to appellate and review proceedings, pardons and commutations of sentence;

(d) Immediate Office of the Registrar: leading the implementation of Security Council resolution 1966 (2010) on the establishment of the Residual Mechanism; negotiation of international agreements on the enforcement of sentences and relocation of witnesses; liaison with the host country on privileges and immunities of judges and staff; liaison with Member States, international organizations and United Nations Headquarters on matters pertaining to the mandate and funding of the Tribunal; facilitation of requests for assistance from the region of the former Yugoslavia; and drafting of policy papers, directives and guidelines relating to legal practice;

(e) Detention facility management: provision of a secure detention facility for detainees; provision of a remand programme and medical care in accordance with international standards and with the Tribunal's Rules of Detention; negotiation and cooperation with the host State authorities to ensure that the detention facilities of the Tribunal meet the standards set out in existing agreements and required by non-governmental organizations responsible for monitoring such facilities;

(f) Conference and language support: provision of simultaneous interpretation for all court hearings into and from English, French, Bosnian/Croatian/Serbian and other languages as required, and consecutive interpretation during interviews with victims and witnesses; translation into and from English, French and Bosnian/Croatian/Serbian for the Registry, the Chambers, the Office of the Prosecutor and the defence; and transcripts of court proceedings in English and French for every hearing in the courtroom and for the plenary meetings of judges;

(g) Publications: publication of various information materials relating to court activity and the broader work of the Tribunal;

(h) Electronic, audio and video issuances: creation of multimedia content distributed through the website; maintenance of social media platforms; production and broadcast (in electronic format) of trial exhibits within the courts; and time-delayed webcasts of Tribunal proceedings in English, French and Bosnian/Croatian/Serbian;

(i) Booklets, pamphlets and fact sheets: publication of regular bulletins on Tribunal activities, including through new media and social media networks;

(j) Press releases and briefings: issuance of press releases and distribution of information to the local, national and international press regarding trial activities;

(k) Library services: provision of library services regarding international and national law relevant to the operations of the Tribunal for the use of judges, staff and defence counsel; and provision of online information services to assist staff, in particular the legal officers and judges, with legal research and greater access to bibliographic information;

(l) Administrative support: processing of financial documents; preparation of the proposed budget and annual performance reports; exercise of budgetary control and post management in respect of assessed budget and extrabudgetary resources; formulation of draft administrative responses to external and internal oversight bodies; screening of applications for vacant posts; implementation of staff development and training programmes; arrangement of travel and issuance of tickets and vouchers for judges, staff members, witnesses and other persons; undertaking of property management and inventory control; implementation, operation and maintenance of the information technology infrastructure; purchase and contracting of goods and services; and provision of a safe and secure environment for all VIPs, staff and visitors.

Table 9
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Post	87 707.2	79 685.3	429	429
Non-post	120 980.6	105 212.0	—	—
Staff assessment	21 692.2	21 514.1	—	—
Subtotal	**230 380.0**	**206 411.4**	**429**	**429**
Extrabudgetary	2 572.3	1 233.7	—	—
Total	**232 952.3**	**207 645.1**	**429**	**429**

Table 10
Post requirements

Category	2010-2011 revised appropriation	Proposed reduction		Extrabudgetary		Total	
		1 January 2010	1 January 2011	2010-2011	2012-2013	2010-2011	2012-2013
Professional and above							
ASG	1	—	—	—	—	1	1
D-1	3	—	—	—	—	3	3
P-5	13	—	—	—	—	13	13
P-4/3	119	—	—	—	—	119	119
P-2/1	43	—	—	—	—	43	43
Subtotal	**179**	—	—	—	—	**179**	**179**
General Service							
Principal level	10	—	—	—	—	10	10
Other level	153	—	—	—	—	153	153
Subtotal	**163**	—	—	—	—	**163**	**163**
Other							
Security Service	87	—	—	—	—	87	87
Subtotal	**87**	—	—	—	—	**87**	**87**
Total	**429**	—	—	—	—	**429**	**429**

64. Resources under posts and staff assessment in the amount of $79,685,300 and $21,514,100, respectively, would provide for the continuation of 429 temporary posts required during the biennium 2012-2013. The reduction under posts ($8,021,900) and staff assessment ($178,100) is due to the delayed effect of 102 posts that were only abolished in the second year of the biennium 2010-2011.

65. Non-post requirements in the amount of $105,212,000, reflecting a decrease of $15,768,600, would provide for general temporary assistance, including translation and interpretation, consultants and experts, travel of staff, contractual services, including defence counsel and detainee services, general operating expenses, hospitality, supplies and materials, furniture and equipment, improvement of premises and grants and contributions.

66. The provision under general temporary assistance also includes requirements to cover the functions of posts abolished during the biennium 2010-2011 which are still needed during the biennium 2012-2013. It is proposed to gradually reduce these requirements during the biennium. The total requirements in this respect for the biennium are estimated at 3,357 work-months.

67. The decrease of $15,768,600 in non-post requirements reflects reduced requirements under other staff costs ($5,090,200), consultants and experts ($82,300), travel of staff ($282,600), contractual services ($8,571,600), general operating expenses ($217,000), supplies and materials ($331,900), furniture and equipment ($1,055,400) and grants and contributions ($240,400) due mainly to the reduction in trial activity in 2013, partly offset by an increase under improvement of premises

($102,800) due to the need for enhancement of the fire alarm and evacuation system.

D. Records management and archives

68. In June 2007, an archive strategy meeting was held in The Hague with the participation of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the Archives and Records Management Section of the Office of Central Support Services and the Office of Legal Affairs to develop and implement a common, comprehensive and coordinated strategy and project plan for archives and records management across the two international tribunals. The archive strategy meeting led to the establishment of the Joint Archives Strategy Working Group, which includes representatives of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the Archives and Records Management Section of the Office of Central Support Services and the Office of Legal Affairs and which continues to work to implement a comprehensive and coordinated strategic plan for archives and records management and to identify key stakeholders and resources available to assist as the archives and records management functions move towards transition to the Residual Mechanism.

69. Under the provisions of Security Council resolution 1966 (2010), the records and archives functions of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda will be transferred to the Residual Mechanism during the biennium 2012-2013. Pursuant to article 27 of its statute, the Mechanism is to be responsible for the management, including preservation and access, of the archives of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the Mechanism, which together constitute the international criminal tribunal archives. After each of its branches has been established, the Mechanism will have exclusive competence over and responsibility for the archives of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda which are to be co-located with the respective branches of the Mechanism. The budgets of the International Tribunal for the Former Yugoslavia and of the Mechanism have been developed on the assumption that the transfer of the management of the archives will take place as of 1 July 2012. Accordingly, the resource requirements for the archives component of the budget of the International Tribunal for the Former Yugoslavia cover the first six months of the biennium, whereas the resource requirements for the archives for the remaining 18 months of the biennium are covered under the budget of the Mechanism. The budget of the International Tribunal for the Former Yugoslavia for the biennium 2012-2013, under the archives component, does however contain provisions relating to backlog projects until the end of the biennium.

70. The achievements of the Tribunal records management and archives component during the biennium 2010-2011 are detailed below. In order to facilitate effective implementation of the transition to the Mechanism and the strategic plan for the archives of the Tribunal, the Archives and Records Management Unit has focused on centralizing the archiving functions in the Tribunal by ensuring a coordinated and uniform approach to all three organs of the Tribunal. The achievements of the unit include:

(a) A review of the business processes of the Tribunal, specifically with a view to confirming, where possible, that the existing record retention schedules captured the complete records processes of the Tribunal. The result of this review was the identification of many records and records systems previously not incorporated in the strategy;

(b) The implementation of projects to compile inventories of the Tribunal's hard-copy and electronic records;

(c) The implementation of projects to identify, index and audit specific categories of records which have been earmarked for permanent preservation as archives;

(d) The identification of the specific and concrete support required from the Office of Legal Affairs, the Archives and Records Management Section, the Department of Public Information and the Office of Information and Communications Technology in order to achieve the transfer of all records by the mandated date;

(e) The digitization of the audio-visual records of the Tribunal;

(f) The submission of the revised draft retention schedules to the Archives and Records Management Section for review and approval;

(g) The completion of several large-scale projects relating to the preparation of records held in the Office of the Prosecutor;

(h) The provision of support to data-entry initiatives throughout the Tribunal through the use of records management software, the configuration of standards and the allocation of staff to assist in areas with deficiencies;

(i) Discussion with the Joint Archives Strategy Working Group with a view to implementing a uniform digital records policy;

(j) Development of a draft security and access regime that facilitates, to the maximum extent possible, access by the public to the Tribunal's records, while preserving the confidentiality and special regimes of certain judicial records.

Table 11
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Non-post	3 762.1	2 402.7	—	—
Staff assessment	—	185.5	—	—
Total	**3 762.1**	**2 588.2**	—	—

71. The non-post requirements, amounting to $2,402,700, consist of general temporary assistance ($775,300), consultants ($75,000), contractual services ($642,400) and furniture and equipment ($910,000).

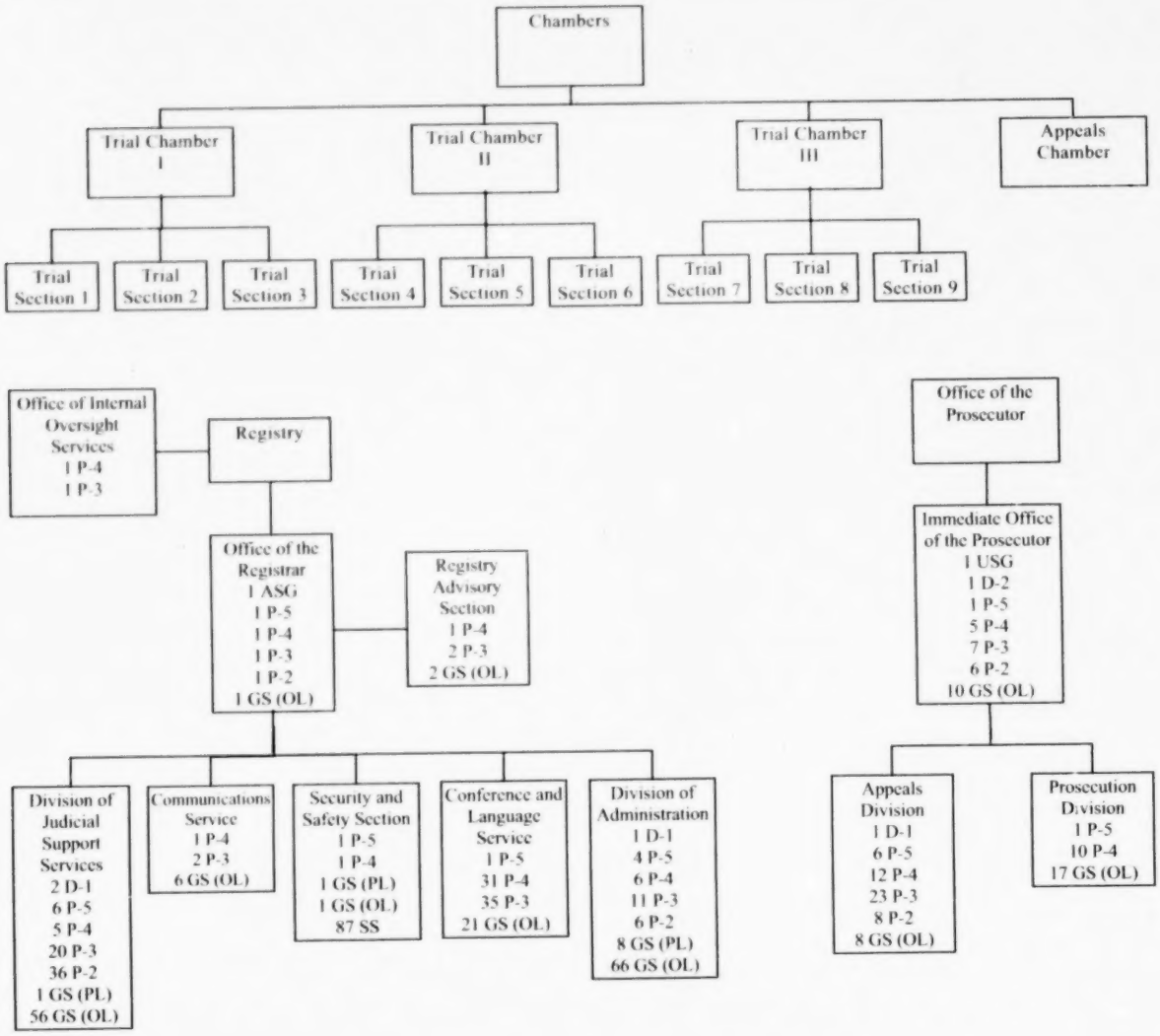
72. The decrease of $1,359,400 reflects the reductions under other staff costs ($1,083,900), travel of staff ($24,800), and furniture and equipment ($413,300) due mainly to the transfer of the archives to the Residual Mechanism, partly offset by increased requirements under consultants ($16,500) and contractual services ($146,100).

Table 12
Summary of follow-up action taken to implement relevant recommendations of the Board of Auditors

Brief description of the recommendation	*Action taken to implement the recommendation*
The Board recommended that, in coordination with the Programme Planning and Budget Division of the Secretariat, a results-based-budgeting logical framework be formulated for the Archives and Records Management Unit of the Tribunal (A/65/5/Add.12, para. 35).	The archives functions will be transferred to the Residual Mechanism as of 1 July 2012. The Tribunal has included a results-based budgeting logical framework in the submission for the archives component of the budget of the Residual Mechanism for the biennium 2012-2013.
The Board recommended that the Tribunal make every effort to comply with the requirement set out in the Procurement Manual relating to the approval of the minutes of meetings of the Local Committee on Contracts (ibid., para. 44).	The Tribunal accepted this recommendation and noted that while committee meeting minutes are generally finalized and distributed within 10 business days, delays sometimes occur owing to requests by committee members for follow-up documentation from either the business owner or the Procurement Section, without which the committee cannot finalize minutes. Likewise, delays in finalizing minutes have occasionally been caused by force majeure circumstances, such as unforeseen absences of committee members due to illness or last-minute official missions. The committee regularly reviews its statistics on the time required to finalize minutes, with a view to ensuring that delays, if any, beyond the time limit are kept to an absolute minimum.
The Board recommended that the requirement set out in paragraph 14 of the delegation of authority by the Assistant Secretary-General for Central Support Services relating to cases involving gift, donation, other free transfer or sale of assets be strictly adhered to (ibid., para. 59).	The Tribunal agreed that the requirement set out in paragraph 14 of the delegation of authority by the Assistant Secretary-General for Central Support Services relating to cases involving gift, donation, other free transfer or sale of assets be strictly adhered to. In the intervening period, the Tribunal has secured the approval of the Assistant Secretary-General for Central Support Services for the disposal plan, which has fully addressed the issue raised in this recommendation.

Brief description of the recommendation	*Action taken to implement the recommendation*
The Board recommended that every effort be made to reduce the vacancy rate in the Appeals Division of the Office of the Prosecutor in order to accommodate the workload indicated in the completion strategy (ibid., para. 64).	The Tribunal explained that as trial-related posts are released by the Trial Division following the completion of trials and become vacant they are reassigned to the Appeals Division; hence the vacancy rate in this Division. Nonetheless, the Tribunal will make every effort to ensure that the vacancy rate is kept to a minimum.
The Board recommended that the Tribunal make every effort to comply with rule 4.2 of the administrative instruction on consultants and individual contractors in order to enhance competitiveness in the consultant selection process (ibid., para. 73).	The Tribunal has begun advertising consulting opportunities on its public website for projects and training. In addition, the Tribunal will utilize global rosters available within the UNLEARNING system and consult with the Office of Human Resources Management on consultant lists. The individual contractor candidates are taken from competitive selection exercises in which candidates have been reviewed and placed on lists for short-term placement.

International Tribunal for the Former Yugoslavia
Organizational structure and post distribution for the biennium 2012-2013



Abbreviations: GS, General Service; PL, Principal level; OL, Other level; SS, Security Service.